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SEP 20 2006

**OFFICE OF PETITIONS**

In re Application of :  
Haberman et al. :  
Application No. 09/002,187 :  
Filed: December 31, 1997 :  
For: SYSTEM AND METHOD FOR :  
ESTABLISHING A VIRTUAL CIRCUIT :  
IN AN ATM NETWORK :

This is a decision on the Renewed Petition Under 37 CFR 1.137, filed August 14, 2006, and supplemented August 17, 2006. The petition is properly treated as a renewed petition to withdraw the holding of abandonment under 37 CFR § 1.181.

The Petition is granted.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed December 18, 2000. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on March 19, 2001. A Notice of Abandonment was mailed April 25, 2001.

The application file was subsequently lost, and was identified as lost on October 1, 2003.

On October 5, 2005, this Office received a petition wherein Petitioner provided that Applicant reviewed the file history for this application on October 4, 2005, and discovered an entry of "Mail Reconstruction Notice" entered December 9, 2004. Applicant filed the instant petition wherein Applicant averred non-receipt of the Notice. In addition to copies of applicant's file jacket and docket records, Applicant provided a copy of the application file history and what was putatively a copy of the application papers.

The petition was dismissed in a Decision mailed July 17, 2006. The dismissal informed Applicant that the application became abandoned, as indicated in the copy of the file history provided by applicant, for failure to reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, mailed December 18, 2000.

Applicant had failed to demonstrate non-receipt of the Notices (of Allowance and Allowability), and failed to demonstrate that a timely reply to the Notices was filed.

Applicant was advised to file a Request for Reconsideration of Petition and include the necessary statements and copies of documents.

The instant Request for reconsideration

Applicant files the instant Request for Reconsideration and provides copies of a transmittal form, an issue fee transmittal form and five (5) sheets of drawings. The Transmittal Form and Issue Fee Transmittal Form each contain a Certificate of Mailing under 37 CFR 1.8, executed by Angela Trafton, certifying that the issue fee and drawings were mailed to this Office on March 19, 2001. Petitioner has also filed an Affidavit executed by Angela Trafton, attesting to the execution of the Certificate of Mailing on March 19, 2001 and to the deposit of the documents first class mail. Applicant also provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, an issue fee transmittal form and five (5) sheets of formal drawings containing five (5) figures by this office on March 20, 2001.

In view of the above, the petition is granted. The application file is being referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods

Attorney  
Office of Petitions